

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48114 of 2017

Arising Out of PS. Case No.-273 Year-2015 Thana- MOTIPUR District- Muzaffarpur

MD. NOOR ALAM @ GUDDU @ NOOR ALAM Son of Late Adim Miyan
@ Md. Addam, R/o Nariyar Baraitha, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vipin kumar
For the Opposite Party/s : Mr. SMT. PUSHPA SINHA

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-11-2017

Heard learned counsel for the parties.

The petitioner being the husband of the sister of the informant has renewed his prayer for bail in a case registered for the offences punishable under Sections 498A and 304B of the IPC.

The prosecution case got initiated with the written report of Yakoob Ali submitted before the Officer Incharge of Motipur Police station to the effect that the informant's cousin sister Afsana Khatoon was married with the petitioner in May, 2013. After the marriage, relationship between the husband and wife was cordial and the victim gave birth to a female child but subsequently a demand of motorcycle was made and for non-supply of the same torture was inflicted. On 30.9.2015 the informant came to know that his sister has been burnt to death



after pouring kerosene oil, he went to the house of his cousin and found her dead. Hence, it has been suspected that the victim has been killed due to non-fulfillment of dowry demand of motorcycle and Rupees Fifteen Thousand.

It is submitted by learned counsel for the petitioner that the victim died due to accidental burn injury while cooking on the occasion of birth day celebration of the only daughter. The petitioner went to market at the relevant time to make purchasing and this fact has been supported by the witnesses in paragraph nos. 9 to 12 of the case diary. Moreover, the medical assistance was provided to the victim and family members of the victim were also informed. It is further submitted that earlier bail application was rejected vide order dated 10.8.2016 passed in Cr. Misc. No. 20495 of 2016 which reflects that the petitioner was given liberty to renew his prayer for bail if the trial is not concluded within one year.

The impugned order reflects that the charges have been framed on 14.7.2017 and no witness has been examined. Hence, there is no likelihood of the trial being concluded in near future.

Mr. J.N. Thakur, learned APP submits that the thrust of accusation is against the petitioner. However, he admits



that no witness has been examined till date.

Considering the fact that the petitioner is languishing in custody since 1.10.2015, liberty to renew the prayer for bail if the trial is not concluded within one year was granted vide order dated 10.8.2016 but more than a year has elapsed since then but no effort has been made by the prosecution to conclude the trial, hence considering the laches on the part of the prosecution, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II, Muzaffarpur in connection with S.T. No. 225 of 2017 arising out of Motipur P.S. Case No. 273 of 2015.

The learned court below will be at liberty to cancel the bail bonds of the petitioner in case he defaults on two consecutive occasions.

(Dinesh Kumar Singh, J)

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